

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In Re:)	Chapter 7 Case
)	
Rosaelia M. Tinajero,)	Case No. 18-34787
)	
)	
Debtor.)	Hon. Janet S. Baer - Geneva

NOTICE OF MOTION

PLEASE TAKE NOTICE that on **Friday, September 20, 2019 at 11:00 AM**, I shall appear before the Honorable Janet S. Baer, Bankruptcy Judge, Kane County Courthouse, 100 S. Third Street, Courtroom 240, Geneva, IL 60134 or before any other Bankruptcy Judge who may be sitting in her place and shall present a **Motion for Order Reopening Chapter 7 Case Pursuant to 11 U.S.C. § 350(B) and Rule 5010 of the Federal Rules of Bankruptcy Procedure**, a copy of which is attached and served on you.

/s/ Adam G. Brief
Adam G. Brief, Assistant U.S. Trustee
OFFICE OF THE U.S. TRUSTEE
219 S. Dearborn, Room 873
Chicago, Illinois 60604
(312) 886-5785

CERTIFICATE OF SERVICE

I, Adam G. Brief, Assistant U.S. Trustee, state that on September 9, 2019, pursuant to Local Rule 9013-1(D) the **Notice of Motion** and **Motion for Order Reopening Chapter 7 Case Pursuant to 11 U.S.C. § 350(B) and Rule 5010 of the Federal Rules of Bankruptcy Procedure** were filed and served on all parties on the service list below via the manner indicated.

/s/ Adam G. Brief

SERVICE LIST

Registrants Served Through the Court's Electronic Notice For Registrants:

Anna E Rinehart arinehart@johnsonblumberg.com,
David M Siegel davidsiegelbk@gmail.com,
Thomas E Springer tspringer@springerbrown.com,

Parties Served via First Class Mail:

ROSAELIA M. TINAJERO
1116 TALMA ST
AURORA, IL 60505-5640

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In Re:)	Chapter 7 Case
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Rosaelia M. Tinajero,)	Case No. 18-34787
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Debtor.)	Hon. Janet S. Baer - Geneva

**MOTION FOR ORDER REOPENING CHAPTER 7 CASE
PURSUANT TO 11 U.S.C. § 350(b) AND RULE 5010 OF
THE FEDERAL RULES OF BANKRUPTCY PROCEDURE**

Patrick S. Layng, the United States Trustee for the Northern District of Illinois (the “U.S. Trustee”), by and through the Assistant U.S. Trustee, Adam G. Brief, hereby requests entry of an order reopening this case pursuant to Section 350(b) of the Bankruptcy Code and Bankruptcy Rule 5010. In support of his motion, the U.S. Trustee respectfully states as follows:

JURISDICTION

1. The Court has jurisdiction to hear and determine this proceeding under 28 U.S.C. § 157(b)(2) and IOP 15(a) and Local Rule 40.3.1 of the United States District Court for the Northern District of Illinois.

2. Movant is the U.S. Trustee for the Northern District of Illinois and is charged with supervising the administration of bankruptcy cases under 28 U.S.C. § 586(a). The U.S. Trustee has standing to bring this Motion under 11 U.S.C. § 307.

BACKGROUND

3. Rosaelia M. Tinajero commenced this case by filing a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on December 17, 2018.

4. Thomas E Springer was appointed and served as the chapter 7 trustee (“Chapter 7 Trustee”). On July 19, 2019, the Chapter 7 Trustee filed a no-asset report. [Doc. 22] Subsequently, the Court entered an order discharging the Chapter 7 Trustee and closing the bankruptcy case.

5. More recently, the U.S. Trustee received notification that Ms. Tinajero may be entitled to a settlement award from a personal injury claim.

6. Upon information and belief, the U.S. Trustee believes that the proceeds from this settlement may be property of the estate pursuant to 11 U.S.C. § 541(a).

RELIEF REQUESTED

7. The U.S. Trustee requests that the Court reopen this bankruptcy case and authorize the U.S. Trustee to appoint a chapter 7 trustee.

8. Section 350 of the Bankruptcy Code provides that:

- (a) After an estate is fully administered and the court has discharged the trustee, the court shall close the case.
- (b) A case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, or for other cause.

Rule 5010 of the Federal Rules of Bankruptcy Procedure implements Section 350(b).

9. Based on the foregoing, the U.S. Trustee requests that the Court reopen this bankruptcy case and authorize the U.S. Trustee to appoint a chapter 7 trustee to further investigate and determine whether assets are available for creditors and for any other action the chapter 7 trustee deems necessary.

WHEREFORE, the U.S. Trustee respectfully asks the Court to enter an order: (1) reopening this case; (2) authorizing the U.S. Trustee to appoint a chapter 7 trustee to represent the estate; and (3) for such other and further relief as this Court deems appropriate.

RESPECTFULLY SUBMITTED,
PATRICK S. LAYNG
UNITED STATES TRUSTEE

Dated: September 9, 2019

/s/ Adam G. Brief
Adam G. Brief, Assistant U.S. Trustee
OFFICE OF THE U.S. TRUSTEE
219 S. Dearborn Street
Chicago, IL 60604
(312) 886-5785